

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Edward H. Darden

CASE NO. 07-35228 cgm  
Chapter 13

DEBTOR

JUDGE: Cecelia G. Morris

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**ORDER CONDITIONALLY GRANTING  
RELIEF FROM THE AUTOMATIC STAY**

Upon the Application dated November 26, 2007 (the "Application") of HSBC Bank, USA, National Association as Trustee, in trust for the registered holders of ACE Securities Corp. Home Equity Loan Trust, Series 2004-FM2 (the "Movant"), through its attorneys, Rosicki, Rosicki & Associates, P.C., seeking an Order granting relief from the Automatic Stay with respect to the real property located at 1 Marion Way, Lagrangeville, NY 12540 (the "Premises"), and

The Application having come before this court to be heard on January 8, 2008, and Applicant, through its attorneys, Rosicki, Rosicki & Associates, P.C., having appeared at the hearing in support of the Application, and

In consideration of the foregoing, and upon the Affidavit of Service filed with the Court, and after due deliberation, the relief requested appearing reasonable, proper and warranted in fact and by law, it is hereby

**ORDERED** that the Movant's application is conditionally granted as set forth below, and it is further

A. **ORDERED** that on or before March 15, 2008 Edward H. Darden (the "Debtor") shall pay Movant all post-petition arrears on his mortgage; such payments to include principal,

interest, late charges, escrow advances and reasonable attorney fees in the amount of \$700.00 and filing fees in the amount of \$150.00 for arrears in the total sum of \$40,523.22; such sum shall be good through January 31, 2008, calculated as follows:

9 Monthly payments (5/1/07-1/1/08) @ \$4,331.14 each	= \$38,980.26
8 Monthly late charges (5/1/07-12/1/07) @ \$86.62 each	= \$692.96
Attorneys fees/costs	= <u>\$850.00</u>
Total	= \$40,523.22

Payment to be made as follows:

<u>Due Date</u>	<u>Amount Due</u>
<del>1/15/2008</del> <u><i>within ten (10) days of the date of this order</i></u>	\$13,507.74
2/15/2008	\$17,838.88 (which includes the 2/1/2008 payment of \$4,331.14)
3/15/2008	\$17,838.88 (which includes the 3/1/2008 payment of \$4,331.14)

Payment shall be made by certified funds and mailed to:

Litton Loan Servicing  
P.O. Box 4387  
Houston, TX 77210-4387

and it is further

B. **ORDERED** that in the event the Debtor fails to tender the sums due under paragraph "A" hereinabove, and thereafter fails to comply with a ten (10) day Notice to Cure, then upon the filing of an Affirmation of Non-Compliance and entry of an Order that has been settled on ten days notice, the automatic stay will be vacated with respect to the mortgage held by Litton Loan Servicing, LLP to the extent necessary to allow Litton Loan Servicing, LLP its

successors and/or assigns, to commence and/or continue mortgage foreclosure and eviction proceedings on the Premises, and it is further

Dated: January 16, 2008  
Poughkeepsie, New York

/s/ Cecelia Morris  
Hon. Cecelia G. Morris  
United States Bankruptcy Judge

CONSENTED AND AGREED TO BY:

/s/Andrea M. Malin  
Andrea M. Malin, Esq.  
Attorney for Debtor

/s/ Edward H. Darden  
Edward H. Darden  
Debtor